

# PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 303.1 to permit a front yard setback of 29 feet in lieu of the maximum average of 40 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Need additional space and (1) bedroom for children.

MAP NE 33 44  
48  
E.D. 15 14  
DATE 12/18/77  
200 SF  
1000 SF  
SF 46,515  
N 12,000

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Attorney's Telephone No.:  
Address  
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of September, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of October, 1987, at 9:00 o'clock A.M.

## CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 1, 1987  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct. 1, 1987

THE JEFFERSONIAN,

Susan Sander Abbott  
Publisher

## Petition For Zoning Variance

15th Election District  
6th Councilmanic District  
LOCATION: South side of Cockpit Street, 243.5 feet West of Right Wing Drive (18 Cockpit Street)  
DATE AND TIME: Friday, October 23, 1987, at 9:00 a.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Zoning Variance to permit a front yard setback of 29 feet in lieu of the maximum average of 40 feet, being the property of Charles J. Horner III, et ux, as shown on plat filed with the Zoning Office.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.  
BY ORDER OF  
J. Robert Haines  
Zoning Commissioner of Baltimore County

## The Times

Middle River, Md., Oct 1, 1987

This is to certify that the annexed Petition was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of two successive weeks before the 1st day of Oct, 1987

Joe B. Publisher

IN RE: PETITION FOR ZONING VARIANCE \*  
South side of Cockpit Street \*  
243.5 ft. west of Right Wing \*  
Drive (18 Cockpit Street) \*  
15th Election District \*  
6th Councilmanic District \*  
Charles J. Horner III, et ux \*  
Petitioners \*\*\*\*\*  
DEPOSE THE \*  
ZONING COMMISSIONER \*  
OF BALTIMORE COUNTY \*  
CASE #88-138-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 29 feet in lieu of the required maximum average of 40 feet as more particularly described in Petitioner's Exhibit No. 1.

The Petitioner appeared and testified on his own behalf. There were no Protestants.

Testimony indicated that the subject property is zoned D.R.5.5 and is located at No. 18 Cockpit Street, Baltimore, Maryland 21220. The subject property is improved with a one story frame single family dwelling unit. The unit has had an addition placed on the rear of the property in earlier years. The requested addition would be placed on the front of the property. The requested addition would be 16 x 28 feet and would provide additional living room space and add a bedroom and bath to the home. There is to be no basement under the addition. The testimony tends to indicate that the requested enlargement of this property is needed because of the family growth and the desire for additional living space. The addition cannot be placed on either side of the house as there is not enough area even with a variance to allow the construction of such an addition. Furthermore, the design and layout of the house restricts the addition. The rooms desired to be enlarged are the living room and the additional bedroom will adjoin the other bedrooms in the house. The addition cannot be placed on the rear of the property because it

would block the entrance to the basement steps.

The Petitioner testified that he has explained the proposed addition to his neighbors at both 20 and 22 Cockpit Street. He stated that both of them indicated that they agree with the addition. The Petitioner stated that the addition will not injure the health, safety and general welfare of the public and the community.

It is clear from the testimony that if variance were granted such use would not be contrary to the spirit and intent of the Baltimore County Zoning Regulations and would not result in substantial detriment to the public good.

After due consideration of testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. I find that the granting to this variance will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and the public hearing on this Petition held, and for the reasons given above, the requested variance shall be GRANTED.

Therefore, it is Ordered by the Zoning Commissioner of Baltimore County this 6th day of November, 1987 that a variance to permit a front yard setback of 29 feet in lieu of the maximum average of 40 feet be and are hereby Granted from and after the date of this Order, subject however to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the petitioner would be

-2-

required to return, and be responsible for re-turning, said property to its original condition.

2. That the single family dwelling unit on this property shall never be used as a multi-family dwelling and furthermore, that no apartment or second kitchen unit may ever be placed in this property for any reason.
3. The development of this property is restricted to the representations found herein and particularly to the facts and representations found on Petitioner's Exhibit 1.

J. Robert Haines  
J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:mm  
cc. Peoples Counsel

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 10/15/87  
Posted for: J. Robert Haines  
Petitioner: Charles J. Horner III, et ux  
Location of property: 18 Cockpit St., 243.5' W. of Right Wing Dr.  
Location of Sign: 18 Cockpit St., 243.5' W. of Right Wing Dr.  
Remarks: as property of J. Robert Haines  
Posted by: J. Robert Haines Date of return: 10/28/87  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner



November 6, 1987

Mr. and Mrs. Charles J. Horner III  
18 Cockpit Street  
Baltimore, Maryland 21220

Re: Petition for Zoning Variance  
Case NOS. 88-138A

Dear Mr. and Mrs. Horner:

Pursuant to the recent hearing held on the subject case, please be advised that your Petition for a Zoning Variance has been Granted.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES  
ZONING COMMISSIONER

JRH:mm  
enclosure

## PETITION FOR ZONING VARIANCE

15th Election District - 6th Councilmanic District  
Case No. 88-138-A

LOCATION: South Side of Cockpit Street, 243.5 feet West of Right Wing Drive (18 Cockpit Street)

DATE AND TIME: Friday, October 23, 1987, at 9:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a front yard setback of 29 feet in lieu of the maximum average of 40 feet

Being the property of Charles J. Horner, III, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

J. ROBERT HAINES  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Beginning on the south side of Cockpit Street (40' wide) at a distance of 243.5 feet west of Right Wing Drive and known as lot 267 as shown on the plot of Aero Acres - Section 1 which is recorded in plot book CHK No. 1X, Folio 139.

Reason: Need additional space and (1) bedroom for children.

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 21st day of September, 1987.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: Charles J. Horner, III, et ux  
Petitioner's Attorney: J. Robert Haines  
Received by: James P. Dyer  
Chairman, Zoning Plans Advisory Committee

AUG 1 1988



Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
484-4500

Paul H. Reincke  
Chief

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

June 19, 1987



Dennis F. Rasmussen  
County Executive

Re: Property Owner: Charles J. Horner, III, et ux  
Location: S/S Cockpit St., 243.5 feet W Right Wing Dr  
Item No.: 519 Zoning Agenda: Meeting of 6/23/87  
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Kelly* 6-19-87 Noted and Approved: *John F. O'Neill*  
Planning Division Fire Prevention Bureau  
Special Inspection Division

/j1

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554



Dennis F. Rasmussen  
County Executive

July 9, 1987

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

The Bureau of Traffic Engineering has no comments for items number 516, 517, 519, 520, 521, 522, 523, 524, 525, and 526.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF:lt

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
TO: Zoning Commissioner  
Norman E. Gerber, AICP  
FROM: Director of Planning and Zoning  
SUBJECT: Zoning Petition No. 88-138-A

Date: September 22, 1987

There are no comprehensive planning factors requiring comment on the above numbered petition.

*Norman E. Gerber*  
Norman E. Gerber, AICP  
Director

NEG:KAK:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel  
File

RECEIVED  
SEP 23 1987

ZONING OFFICE

CPS-008

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 6, 1987

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. Charles J. Horner, III  
18 Cockpit Street  
Baltimore, Maryland 21220

RE: Item No. 519 - Case No. 88-138-A  
Petitioners: Charles J. Horner, III, et ux  
Petition for Zoning Variance

Dear Mr. Horner:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:kkb

Enclosures

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: All Associates  
Development Control  
FROM: Carl *WCR*  
SUBJECT: Lunch hours, counter and phone coverage

Date: December 18, 1987

Effective immediately, all associates will have a 12:00 - 1:00 lunch hour with the exception of one associate, who will take phone calls. Karen will usually assist in answering the calls during this time.

Until we have additional clerical help, it is very important to answer all calls before the fourth ring, REGARDLESS of whether you are busy with someone or already on the phone, the call must at least be acknowledged!

Everyone leaving the office should COMMUNICATE and tell Karen, Beverly or myself where they will be and the time they will return. If we can remember to do this a signout and sign in will not be necessary.

With the strained conditions and reduced personnel, if we all try to pull in the same direction and pitch in and help in every way, we can continue to provide an effective service and complete our work.

/kkb



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

J. ROBERT HAINES  
ZONING COMMISSIONER

October 14, 1987

Mr. Charles J. Horner, III  
Mrs. Shirley Jean Horner  
18 Cockpit Street  
Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE  
S/S Cockpit St., 243.5' W of Right Wing  
Dr. (18 Cockpit St.)  
15th Election District - 6th Councilmanic District  
Charles J. Horner, III, et ux - Petitioners  
Case No. 88-138-A

Dear Mr. and Mrs. Horner:

This is to advise you that \$69.57 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,  
*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
JRH:med

BALTIMORE COUNTY, MARYLAND		No. 37959
OFFICE OF FINANCE - REVENUE DIVISION		
MISCELLANEOUS CASH RECEIPT		
DATE	10/23/87	ACCOUNT R-01-615-000
STAMP & POST RECEIVED	AMOUNT \$ 69.57 CASH	
FROM: Mr. Charles J. Horner, III		
RECEIVED FROM: ADV. TESTING & POSTING COSTS RE CASE 88-138-A		
FOR	B 810C*****63573 0232F	
VALIDATION OR SIGNATURE OF CASHIER		

Mr. Charles J. Horner, III  
Mrs. Shirley Jean Horner  
18 Cockpit Street  
Baltimore, Maryland 21220

September 21, 1987

### NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE  
S/S Cockpit St., 243.5' W of Right Wing  
Dr. (18 Cockpit St.)  
15th Election District - 6th Councilmanic District  
Charles J. Horner, III, et ux - Petitioners  
Case No. 88-138-A

TIME: 9:00 a.m.

DATE: Friday, October 23, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
of Baltimore County

JRH:med

BALTIMORE COUNTY, MARYLAND		No. 36196
OFFICE OF FINANCE - REVENUE DIVISION		
MISCELLANEOUS CASH RECEIPT		
DATE	10/23/87	ACCOUNT 01-615
STAMP & POST RECEIVED	AMOUNT \$ 35.00	
FROM: SHIRLEY J. HORNER		
RECEIVED FROM: FILING FEE FOR VARIANCE ITEM 519		
FOR	B 810C*****63573 0232F	
VALIDATION OR SIGNATURE OF CASHIER		

COCKPIT ST. 243.5' W OF RIGHT WING DR. (18 COCKPIT ST.)	
THIS PLAN SHOWS THAT: (1) The property is located as indicated on the plat of the property. (2) The plat shows the dimensions of the property and the location of the proposed building. (3) The plat shows the location of the proposed building and the location of the proposed driveway.	
BEING KNOWN AND LOCATED AS: LOT 267 AS SHOWN ON: PLAT OF 2.0 ACRES SECTION 1, RECORDED IN BALTO. CO. IN PLAT BOOK 13/159	
519	
PP-138-A	
LOCATION SURVEY	
18 COCKPIT STREET 15th ELEC. DIST. BALTO. CO. MD.	
SCALE	DATE
1" = 20'	10-23-1987
NOTE: This Plat cannot be used to establish property lines of record.	

AUG 1 1988